

MINUTES

County Council Meeting

September 21, 2015

Spartanburg County Council met on Monday, September 21, 2015, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Michael Brown, Justin Bradley, David Britt, Jane Hall, Bob Walker, and Roger Nutt, Council Members; along with Katherine O'Neill, County Administrator; Jim Hipp, Deputy County Administrator; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney.

In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties.

I.

Chairman Horton called the meeting.

Invocation was rendered by Chaplain Fergie Horvath. Honorable Justin Bradley led in reciting the Pledge of Allegiance.

II.

No presentations were scheduled.

III.

Ms. O'Neill recognized and introduced Kevin Farmer, our new Solid Waste Management Director. Doug Bryson and Robbie Swofford, Emergency Preparedness, and all their partners were recognized. The Office of Spartanburg County Emergency Management is being recognized for its efforts to involve the community in tornado preparedness. They have been awarded the 2015 Jon D. Solomon Whole Community Preparedness Award from the Federal Emergency Management Agency, and they are also going to be recognized for the 2015 National Public Awareness Award for Large Counties from the International Association of Emergency Managers. Jessica Gilliland, Information Technologies, was recognized for her accomplishments as the OnBase Administrator. Laurie Horton, Planning Department, was recognized for her exceptional

customer service. Jamie Nelson, Environmental Enforcement Director, was recognized for his assistance to Johnson Development with their new project in Flatwoods. Tony Bell and Lisa Hart, Human Resource Department, and their team and partners were recognized for their work with the Spartanburg County Health Fair.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery by Spartanburg County, South Carolina (the "County") of a Fee in Lieu of Tax and Special Source Credit Agreement (the "FILOT Agreement") between the County and **Coveris Flexibles US LLC** (Project Stamp) with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a Fee in Lieu of Taxes and Infrastructure Credit Arrangement between the County and **Holroyd Precision Rotors Inc.** (Project EMU), concerning certain industrial facilities (the "Project"), which include certain property or interests therein, pursuant to Title 12, Chapter 44 and Title 4, Chapters 1 and 29 of the Code of Laws of South Carolina 1976, as amended (the "Act"). No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance to amend the agreement for development of a joint county industrial and business park, dated as of March 19, 2007, by and between Cherokee County and Spartanburg County, South Carolina, so as to extend the termination date, as to certain properties, and other matters relating thereto. **(Moderna Products America, LLC)** No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Uncodified Ordinance to grant a utility easement to Duke Energy Carolinas, LLC to extend existing lighting and power service to serve additional facilities associated with the Spartanburg County Emergency Services Academy. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by **John M. Brown** from dusk until 1:00 a.m. on October 2, 3, 9, 10, 16, 17, 23, 24, 30, and 31, 2015; and from Dusk to 10:00 p.m. on October 4, 11, 15, 18, 22, 25, and 29, 2015 for Nightmare Hollow Haunted Trail at 3411 Reidville Road. No one appeared, and the matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Brannon** from 10:00 a.m. until 11:59 p.m. on Friday, October 9, 2015 for

- an Outdoor Concert at 140 Double Bridge Road, Boiling Springs. No one appeared, and the matter was closed.
- G. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, October 3, 2015 and Saturday, October 17, 2015 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

V.

Economic Recruitment and Development Committee – (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to approve a letter of support for the Appalachian Region **2015 Comprehensive Economic Development Strategy (CEDS) Report**. Motion seconded by Mr. Brown and carried. (The 2015 CEDS Update is included in backup.)
- B. Motion made by Mr. Britt to adopt a Resolution authorizing, under certain conditions, the execution and delivery by Spartanburg County, South Carolina of a fee in lieu of tax agreement with **Project HVA** with respect to an industrial project in the County whereby the project would be subject to payment of certain fees in lieu of taxes, and whereby Project HVA will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **Project HVA** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to adopt a Resolution authorizing, under certain conditions, the execution and delivery by Spartanburg County, South Carolina of a fee in lieu of tax agreement with **Project Static** with respect to an industrial project in the County whereby the project would be subject to payment of certain fees in lieu of taxes, and whereby Project Static will be provided certain credits against fee payments in reimbursement of investment in related qualified infrastructure; and providing for related matters. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **Project Static** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain

special source credits; and other matters related thereto. Motion seconded by Mr. Brown and carried.

- F. Motion made by Mr. Britt to adopt a Resolution authorizing, under certain conditions, the execution and delivery by Spartanburg County, South Carolina of a fee in lieu of tax agreement with a Company known to the County at this time as **"Project 40"** with respect to an industrial project in the County whereby the project would be subject to payment of certain fees in lieu of taxes, and providing for related matters. Motion seconded by Mr. Brown and carried.
- G. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and a Company known to the County at this time as **"Project 40"** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- H. Motion made by Mr. Britt to render first reading to an Ordinance providing for amendment and restatement of Ordinance No. O-09-09, as previously amended by Ordinance No. O-12-27 and Ordinance No. O-14-15, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks. Motion seconded by Mr. Brown and carried.

Public Health and Human Services Committee (Honorable Justin Bradley, Chairman)
No items scheduled.

Personnel and Finance Committee (Honorable Bob Walker, Chairman)

- A. Mr. Cole Alverson, Budget Director, presented information in reference to a request from the Budget Office to reclassify one position. This request is to reclassify the Hospitality Tax Specialist position from a grade 45 to a grade 46. Motion made by Mr. Walker to approve this request. Motion seconded by Ms. Hall and carried.
- B. Major Neal Urch, Director of Jail Operations, presented information in reference to a request from the Detention Center to reclassify five Licensed Practical Nurse (LPN) positions from pay grade 45 to pay grade 47. Motion made by Mr. Walker to approve this request. Motion seconded by Ms. Hall and carried.
- C. Mr. Henry Laye, Director, Spartanburg County Voter Registration and Elections, presented information in reference to a request from Voter Registration and Elections to reclassify one position. This request is to reclassify a Deputy I part-time slot to a Deputy III part-time slot as the Deputy I job description has dramatically changed. Motion made by Mr. Walker to approve this request. Motion seconded by Ms. Hall and carried.
- D. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Mr. Jon Woodsby, Recreation Manager, Parks Department, presented information in reference to a request from the Parks Department to apply for a playground grant. This request is to apply for a grant to acquire playground equipment valued at \$75,000 for the Linville Hills Park renovation project. Motion made by Ms. Hall to approve grant application submittal. Motion seconded by Mr. Brown and carried.
- B. Information received regarding activities of the Parks Department.

Public Safety and Judiciary Committee – (Honorable Michael Brown, Chairman)

- A. Motion made by Mr. Brown to authorize the Commission of Jeremy Woodard, Litter Control Officer, as a Spartanburg County Code Enforcement Officer. Motion seconded by Mr. Nutt and carried.
- B. Sheriff Chuck Wright presented information in reference to Resolutions ratifying Mutual Aid Agreements between the Spartanburg County Sheriff's Office and various Law Enforcement Agencies. Mr. Brown stated that the Committee recommends to full Council and he moves to ratify the Mutual Aid Agreements between the Spartanburg County Sheriff's Office and the Charleston County Sheriff's Office; Cherokee County Sheriff's Office; Chesterfield County Sheriff's Office; Clarendon County Sheriff's Office; Darlington County Sheriff's Office; Duncan Police Department; Florence County Sheriff's Office; Greenville County Sheriff's Office; Hampton County Sheriff's Office; Lee County Sheriff's Office; Oconee County Sheriff's Office; Sumter County Sheriff's Office; Yemassee Police Department; Spartanburg City Police Department; Jasper County Sheriff's Office; Gaffney Police Department; Campobello Police Department; Camden County Sheriff's Office; Bluffton Police Department; Anderson County Sheriff's Office; Summerville Police Department; Saluda County Sheriff's Office; Rutherford County, North Carolina Sheriff's Office; Lowndes County, Georgia Sheriff's Office; Marion County Sheriff's Office; Woodruff Police Department; Laurens County Sheriff's Office; Colleton County Sheriff's Office; Abbeville County Sheriff's Office; Newberry County Sheriff's Office; City of Columbia Police Department; and Town of Landrum Police Department. Motion seconded by Mr. Bradley and carried.
- C. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable Roger Nutt, Chairman)

- A. Mr. Nutt stated that Spartanburg County received approximately \$10 million from the State for State Secondary Roads. Mr. Travis Brown, Public Works Director, presented a Report on the State Secondary Road additional C Fund Allocation and related actions taken by the Spartanburg County Transportation Committee

(CTC) at their Special Meeting on September 17, 2015. (Presentation included in backup) Approximately 32 miles of roadway was selected for repavement based on a ranking formula. The portions of roadways selected were Anderson Mill Road S-42-64 (2.85 miles); Parris Bridge Road S-42-43 (2.77 miles); John Dodd Road S-42-60 (3.70 miles); Duncan Reidville S-42-62 (7.81 miles); New Cut Road S-42-40 (15.50 miles); and Blackstock Road (1.21 miles).

- B. Updated information received regarding activities of the Public Works Department.

VI.

During the Public Comment Period, Lynn Isler spoke in opposition to the Refugee Resettlement Program. Mr. Eddie Whitaker, 2 Clover Street, Inman, spoke in reference to a traffic problem on Southfield Street near the City of Inman. Michael Cutler, 2808 Avenue Y, Brooklyn, NY; Lauren Martel, PO Drawer 23101, Hilton Head Island; Jim McMillan, 171 Tucapau Road, Wellford; Larry Bradley, 305 Vivians Court, Woodruff; Stacy Shea, 102 Powers Garden Road, Simpsonville; Josiah Magnuson, 216 South Main Street, Campobello; Evan Mulch, 124 Stone Village Court, Spartanburg; Stephanie Knieghson; and Larry Bateman, 355 Keller Drive, Spartanburg, spoke in opposition to the Refugee Resettlement Program.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a Fee in Lieu of Tax Agreement by and between Spartanburg County, South Carolina and **Apollo 17, LLC** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a Fee in Lieu of Tax Agreement by and between Spartanburg County, South Carolina and **Georgia-Pacific Corrugated LLC** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render third reading to an Ordinance governing the establishment of an Employee Grievance Committee and appointment of members to such committee. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a Fee in Lieu of Tax and Special Source Credit Agreement by and between Spartanburg County, South Carolina and **Coveris Flexibles US LLC**, formerly known to the County as Project Stamp, with respect to certain economic development property in the County, whereby such property will

be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto. Motion seconded by Mr. Brown and carried.

- E. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a Fee in Lieu of Tax Agreement by and between Spartanburg County, South Carolina and **Holroyd Precision Rotors, Inc.** (Project EMU) with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain special source credits; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Britt to render second reading to an Ordinance to amend the agreement for development of a joint county industrial and business park, dated as of March 19, 2007, by and between Cherokee County and Spartanburg County, South Carolina, so as to extend the termination date, as to certain properties, and other matters relating thereto. (**Moderna Products America, LLC**) Motion seconded by Mr. Brown and carried.
- G. Motion made by Mr. Britt to render second reading to an Uncodified Ordinance to grant a utility easement to Duke Energy Carolinas, LLC to extend existing lighting and power service to serve additional facilities associated with the Spartanburg County Emergency Services Academy. Motion seconded by Mr. Brown and carried.

XIII.

- A. Motion made by Mr. Nutt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **John M. Brown** from dusk until 1:00 a.m. on October 2, 3, 9, 10, 16, 17, 23, 24, 30, and 31, 2015; and from Dusk to 10:00 p.m. on October 4, 11, 15, 18, 22, 25, and 29, 2015 for Nightmare Hollow Haunted Trail at 3411 Reidville Road. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Bradley to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Brannon** from 10:00 a.m. until 11:59 p.m. on Friday, October 9, 2015 for an Outdoor Concert at 140 Double Bridge Road, Boiling Springs. Motion seconded by Mr. Britt and carried.
- C. Motion made by Mr. Walker to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, October 3, 2015 and Saturday, October 17, 2015 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Britt and carried.

IX.

All resolutions, ordinances, agreements, petitions and related documents which were read and approved by Council at this meeting for the financing of certain industrial or similar revenue bonds or notes, are incorporated in these minutes by reference as if fully set forth herein. The reference is to all such documents showing execution by the

county on the date of this meeting included in the office of the Clerk of Court for Spartanburg County.

X.

- A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Resolution Number 16040 authorizes the reclassification of slot VR3 from a Registration & Election/Deputy I (grade 41) to a Registration & Election/Deputy III (grade 44). Budget Amendment Resolution Number 16041 recognizes anticipated revenue from the upcoming training blitz the Emergency Services Academy (ESA) will be hosting and sets up a corresponding expenditure account for purchase of supplies and materials for the event as well as ESA. Budget Amendment Resolution Number 16042 allows for the closure of completed C-Fund projects. Budget Amendment Resolution Number 16043 sets up projects approved at the CTC meeting on July 16, 2015. Budget Amendment Resolution Number 16044 reclassifies the five authorized LP Nurse positions from a grade 45 to a grade 47. Budget Amendment Resolution Number 16045 authorizes the reclassification of slot BG4, Hospitality Tax Specialist, at the recommendation of Human Resources, from a grade 45 to a grade 46 due to changes to position duties. Budget Amendment Resolution Number 16046 recognizes revenue from four Sheriff's Office vehicles that were deemed a total loss by insurance companies. Budget Amendment Resolution Number 16047 acknowledges and approves a request from the City of Greer to remove the municipality of Greer from the Storm Water Levy district.

Motion made by Mr. Britt to approve the Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Brown and carried.

XI.

Motion made by Ms. Hall to approve the minutes of August 17, 2015 (Regular Meeting) and August 20, 2015 (Special Joint Meeting with the Spartanburg Regional Healthcare System (SRHS) Board. Motion seconded by Mr. Bradley and carried.

Motion made by Mr. Nutt to go into Executive Session to discuss one legal matter. Motion seconded by Mr. Walker and carried.

Motion made by Mr. Britt to go out of Executive Session. Motion seconded by Mr. Nutt and carried. No items needed a vote following Executive Session.

Spartanburg County Council
September 21, 2015

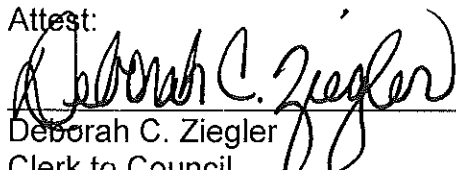
XII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council